

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2846 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GSRTC

Versus

VALJIBHAI KESHAVBHAI PARMAR

Appearance:

MR YS LAKHANI for Petitioner
Respondent No. 1 Party-in-person

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 17/06/96

ORAL JUDGEMENT

1. Rule. Respondent appears personally in response to the notice and waives service of rule. With the consent of the learned advocate for the petitioner and respondent who is present personally, the matter is finally heard today.

2. Gujarat State Road Transport Corporation is aggrieved by the order passed by the Assistant Labour

Commissioner, Bharuch, dated 4th of December, 1995 rejecting the approval to the action of termination of services of the respondent. In response to the notice issued by this Court, respondent has appeared personally and during the course of submission he had made certain proposals which were put to the petitioner corporation and the said proposals are accepted by the Corporation. The letter of acceptance and the proposal received by the learned advocate Mr. Y.S. Lakhani dated 11th of March, 1996 from Divisional Controller, S.T., Bharuch and from the said letter following consensus between the parties is reached. The said letter is taken on record.

- (a) The respondent agrees to the order of Assistant Labour Commissioner, Bharuch, dated 4th December, 1995 being quashed and set aside and the same is hereby quashed and set aside.
- (b) The petitioner Corporation agrees to withdraw the order of termination and/or to treat the same as quashed and set aside by this Court. The petitioner Corporation further agrees to reinstate the respondent Valjibhai Keshavbhai Parmar in service within a fortnight from today. The petitioner Corporation is directed to reinstate the respondent in service within a fortnight from today.
- (c) The respondent who is present in the court agrees that from the date of order of termination till order of reinstatement, he shall not claim backwages and therefore there shall not be order of backwages.
- (d) The respondent further agrees to the imposition of penalty of withholding of 2 (two) increments with future effect and accordingly the said penalty is substituted for the penalty of dismissal/termination from service.

3. Rule is made absolute accordingly. There shall be no order as to costs.
